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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,153	08/22/2007	Benjamin Kingsley Stuart Peacock	NOR-1397US	5056
37172 7590 09/25/2009 WOOD, HERRON & EVANS, LLP (NORDSON) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
EXAMINER DAVIS, OCTAVIA L				
ART UNIT 2855		PAPER NUMBER		
NOTIFICATION DATE 09/25/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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usptodock@whepatent.com

# Office Action Summary

**Application No.**

10/599,153

**Applicant(s)**

PEECCOCK ET AL.

**Examiner**

OCTAVIA DAVIS

**Art Unit**

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Receipt is acknowledged of applicant's amendment filed 6/8/09.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11, 12, 15, 17, 18, 19, 20 and 22 – 26 are rejected under 35 U.S.C. 102(c) as being anticipated by Miyazawa et al (6,584,858).

Regarding claim 11, Miyazawa et al disclose a device and method for measuring adhesive strength comprising an adhesive strength measuring device 1, a ball or roller 11 that is adhered to a substrate 15A, gripping the ball with a tool 3 of the device 1 and moving the ball in a direction substantially orthogonal to the plane of adherence of the ball whilst urging the substrate lightly against the ball, and abruptly halting the substrate (See Col. 3, lines 3 – 15, See Figs. 1A – 1C).

Regarding claim 12, the substrate 15A is fixedly provided on a platen 16 (See Col. 3, lines 14 – 15, See Fig. 1).

Regarding claim 15, a ball or guide member 56 is adhered to a substrate 57, a frame 72 is provided, a gripper or holding means 57b holds a the ball 56, an apparatus moves said gripper on an axis substantially orthogonal to the plane of adherence (See Fig. 6), an urging means 69 urging said substrate 57 on said axis in a direction towards said gripper or holding

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means 57b, and an abutment is provided on the frame 72, whereby the substrate 57 and ball 56 are adapted to move in unison on said axis until the substrate is restrained by said abutment (See Col. 5, lines 47 – 51 and 58 – 67 and Col. 6, lines 1 – 9 and 14 – 18).

Regarding claims 17 and 18, said urging means 69 includes a platen or fixing member 54 for said substrate 57 (See Col. 5, lines 58 – 63, See Fig. 6).

Regarding claims 19 and 20, a device 42 restrains the substrate 57 on said platen 54 (See Col. 5, lines 8 – 14, See Fig. 6).

Regarding claim 22, said abutment provides direct contact between said frame 72 and the substrate 57 (See Fig. 6).

Regarding claims 23 - 26, said abutment provides direct contact between said frame 72 and the platen 54 (See Fig. 6).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 14, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa et al in view of Schmidt (5,948,997).

Regarding claims 13 and 14, Miyazawa et al disclose a device and method for measuring adhesive strength comprising an adhesive strength measuring device 1, a ball or roller 11 that is adhered to a substrate 15A, gripping the ball with a tool 3 of the device 1 and moving the ball in a direction substantially orthogonal to the plane of adherence of the

ball whilst urging the substrate lightly against the ball, and abruptly halting the substrate (See Col. 3, lines 3 – 15, See Figs. 1A – 1C) but does not disclose a pneumatic ram that urges the substrate against the ball, and applying air under pressure to the ram in an amount sufficient to ensure a light compressive load between the ball and substrate up to the time when said substrate is abruptly halted. However, Schmidt discloses a swaged connection testing apparatus comprising a ball 40 that is forcibly urged by a ram 57 in a downward direction, wherein the ram is provided with pressurized air to ensure a light compressive load between the ball 40 and a substrate (See Col. 3, lines 46 - 67 and Col. 4, lines 1 – 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyazawa et al according to the teachings of Schmidt for the purpose of, advantageously forming a swaged connection between components to measure the strength of a swaged bond and to insure high quality swage bonds (See Schmidt, Col. 2, lines 34 – 36).

Regarding claim 16, Miyazawa et al disclose all of the limitations of these claims except that said urging apparatus comprises a pneumatic ram. However, in Schmidt, a ball 40 is forcibly urged by a ram 57 in a downward direction (See Col. 3, lines 46 - 67 and Col. 4, lines 1 – 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyazawa et al according to the teachings of Schmidt for the purpose of, advantageously forming a swaged connection between components to measure the strength of a swaged bond and to insure high quality swage bonds (See Schmidt, Col. 2, lines 34 – 36).

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Regarding claim 21, Miyazawa et al disclose all of the limitations of these claims except providing said abutment by said direct contact between said frame and said ram. However, in Schmidt, a frame 12 is provided with an abutment that is in direct contact with the ram 57 (See Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyazawa et al according to the teachings of Schmidt for the purpose of, advantageously forming a swaged connection between components to measure the strength of a swaged bond and to insure high quality swage bonds (See Schmidt, Col. 2, lines 34 – 36).

### ***Response to Arguments***

5. Applicant's arguments, on Pg. 3, lines 8 - 16, with respect to these claims have been considered but are moot in view of the new grounds of rejection.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OCTAVIA DAVIS whose telephone number is (571)272-2176. The examiner can normally be reached on Mon-Fri 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lisa Caputo can be reached on 571-272-2388. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. D./  
Examiner, Art Unit 2855  
9/17/09

/Lisa M. Caputo/  
Supervisory Patent Examiner, Art Unit 2855